

TEXT OF FINAL REGULATIONS

In the following text, underline indicates added or amended text and strikethrough indicates deleted text.

3370. Case Records File And Unit Health Records Material--Access and Release.

Section 3370(a) is amended to read:

(a) Unit health records means a patient's health record that includes all records of care and treatment rendered to an inmate-patient.

Existing Sections 3370(a), (b), (c) and (d) are renumbered to 3370(b), (c), (d), and (e) respectively and are amended to read:

(ab) Except by means of a valid authorization, subpoena, or court order, No inmate or parolee shall have access to another's case records file, ~~or file material~~ unit health records, or component thereof.

(bc) Inmates or parolees may review their own case records file and unit health records, subject to applicable federal and state law. This review shall be conducted in the presence of staff, and may necessitate the use of a computer.

(ed) No inmate or parolee shall access information designated confidential pursuant to section 3321 which is in or from their own case records file.

(de) No case records file, unit health records, or component thereof shall be released to any agency or person outside the department, except for private attorneys hired to represent the department, the Office of the Attorney General, the Board of Prison Terms, the Inspector General, and as provided by applicable federal and state law. Any outside person or entity that receives case records files or unit health records is subject to all legal and departmental standards for the integrity and confidentiality of those documents.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2081.5, ~~and~~ 5054, and 6126.5, Penal Code; ~~and~~ Sections 56.10, 1798.24 and 1798.40, Civil Code; ~~and~~ Code of Federal Regulations, Title 45, Sections 164.512, 164.524.